HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 977 of 2006 (MS)

Guard Will Security Company, 52/1 Jhanda Bazar, Dehradun ..... Petitioner

Versus

1. State of Uttaranchal
2. Deputy Labour Commissioner, Garhwal Region, 298 Himgiri Vihar, Dehradun
3. Surender Singh s/o Sri Bachan Sigh, Village Barowala, Prem Nagar, Simla road, Dehradun through Mr. M.S. Bhandari.

..... Respondents

Sri M.C. Pant, Advocate for the petitioner
Standing Counsel for the respondents.

Dated: 27.7.2006

Hon'ble Rajesh Tandon, J.

Heard Sri M.C. Pant counsel for the petitioner and Standing counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the recovery certificate dated 28.6.2006 and further to stay the execution of recovery certificate dated 28.6.2006 against the petitioner.

Briefly stated respondent no. 3 has filed an application before the respondent no. 2 under section 2A of the U.P. Industrial Dispute Act in C.P. Suit No. 74 of 2004 for reinstating the service of the respondent no. 3 in the petitioner's company. Respondent no. 2 has issued a recovery certificate of an amount of Rs. 14,132/- awarded to the respondent no. 3 vide order dated 28.6.2006.

The short grievance of the petitioner is that he has already field objection against the award dated 28.6.2006 but the same has not been decided as yet and without disposal of the objection, recovery certificate has been issued by the respondent no. 2.

In view of above, respondent no. 2 is directed to dispose of the objection of the petitioner and thereafter pass the order within two months after the receipt of the certified copy of this order. However, recovery proceedings under section 6-H of the U.P. Industrial Disputes Act, shall remain in abeyance for a period of two months provided the petitioner deposits a sum of Rs.15000/- within 15 days from today before respondent no. 2. However, the same shall be subject to the fresh order passed by the respondent no. 2.

Accordingly, the writ petition is disposed of. No order as to costs.

Dated: 27.7.2006 **Rajesh Tandon, J.**